

Application No. 09/751,231  
Amendment dated January 29, 2004  
Reply to Office Action of December 2, 2003

Atty Dkt No. 7610-0040

REMARKS

In the Office Action under reply, the Examiner entered applicants' submissions accompanying the Request for Continued Examination dated August 27, 2003. In addition, the Examiner issued the following rejections:

(1) claims 1, 3-10, 19-49, 54, 56, and 81-84 stand rejected under 35 U.S.C. §112, first paragraph, as containing new matter;

(2) claims 1, 3-10, 19-49, 54, 56, and 81-84 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement;

(3) claims 1, 3-10, 19-49, 54, 56, and 81-84 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite;

(4) claims 1, 3-10, 19-33, 38-49, 54, 56, and 81-84 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. to 5,874,214 to Nova et al.;

(5) claims 1, 43, and 56 stand rejected under 35 U.S.C. §102(c) as anticipated by U.S. Patent No. 6,342,349 to Virtanen; and

(6) claims 1, 3-10, 19-49, 54, 56, and 81-84 stand rejected under 35 U.S.C. §103(a) as obvious over Nova in view of U.S. Patent No. 5,922,617 to Wang.

With the above amendments, all formality-based objections and rejections have been addressed. For example, the objected-to term "continues to exhibit" has been deleted from the claims. In addition, all claims containing terminology objected to as being "a relative term" have been amended to clarify the inventive subject matter.

With respect to the indefiniteness rejections of claims 81 and 84 under 35 U.S.C. § 112, second paragraph, applicants traverse. For example, antecedent basis for the term "indicator structure" can be found in claim 1, from which claims 81 and 84 ultimately depend. In addition, claims 49 and 81 are not substantially duplicative of each other because claim 49 depends directly from claim 1 whereas claim 81 depends from claim 6, which, in turn, depends from claim 1. That is, claim 81 includes the elements of claim 6, but claim 49 does not. Accordingly, withdrawal of these rejections is proper and requested.

A telephonic interview was held on January 21, 2004, between the Examiner and the undersigned attorney. Agreement was reached, and the pending claims reflect the substance of

Application No. 09/751,231  
Amendment dated January 29, 2004  
Reply to Office Action of December 2, 2003

Atty Dkt No. 7610-0040

the agreement. Since the pending claims are fully supported and define an invention that is patentable over the art, the application is now in condition for allowance. A prompt indication to that effect would be appreciated.

If the Examiner has any questions concerning this communication, she is welcome to contact the undersigned attorney at (650) 330-4912.

Respectfully submitted,

By:



Louis L. Wu  
Registration No. 44,413

REED & EBERLE LLP  
800 Menlo Avenue, Suite 210  
Menlo Park, California 94025  
(650) 330-0900 Telephone  
(650) 330-0980 Facsimile  
P:\Document\7610\0040\Amend 1.111-2.DOC